



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1557

Introduced 2/14/2005, by Rep. Monique D. Davis - Arthur L. Turner - Calvin L. Giles - Lovana Jones - David E. Miller, et al.

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-1

from Ch. 38, par. 108-1

Amends the Code of Criminal Procedure of 1963. Provides that a motor vehicle or the driver or passenger of a motor vehicle stopped on the basis of a violation or suspected violation of the Illinois Vehicle Code may not be subjected to an investigation or procedure involving a drug detecting canine or canine sniff in the absence of specific and articulable facts that support a reasonable belief that illegal drugs are present in the motor vehicle or upon the person of the driver or passenger of the motor vehicle.

LRB094 08452 RXD 38657 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 108-1 as follows:

6 (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

7 Sec. 108-1. Search without warrant.

8 (1) When a lawful arrest is effected a peace officer may  
9 reasonably search the person arrested and the area within such  
10 person's immediate presence for the purpose of:

11 (a) protecting the officer from attack; or

12 (b) preventing the person from escaping; or

13 (c) discovering the fruits of the crime; or

14 (d) discovering any instruments, articles, or things  
15 which may have been used in the commission of, or which may  
16 constitute evidence of, an offense.

17 (2) (Blank).

18 (3) A law enforcement officer may not search or inspect a  
19 motor vehicle, its contents, the driver, or a passenger solely  
20 because of a violation of Section 12-603.1 of the Illinois  
21 Vehicle Code.

22 (4) A motor vehicle or the driver or passenger of a motor  
23 vehicle stopped on the basis of a violation or suspected  
24 violation of the Illinois Vehicle Code may not be subjected to  
25 an investigation or procedure involving a drug detecting canine  
26 or canine sniff in the absence of specific and articulable  
27 facts that support a reasonable belief that illegal drugs are  
28 present in the motor vehicle or upon the person of the driver  
29 or passenger of the motor vehicle.

30 (Source: P.A. 93-99, eff. 7-3-03.)